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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/074,245 | 02/12/2002 | Rakesh Mathur | 9D-HR-19761 | 5065 |

7590 02/03/2004

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EXAMINER

MARSH, STEVEN M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3632

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,245

Applicant(s)

MATHUR ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-18,20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-18,20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is the third office action for U.S. Application 10/074,245 for a Spill Proof Shelf Assembly Method and Structure filed by Rakesh Mathur et al. on February 12, 2002. Claims 2 and 19 have been canceled.

Drawings

The drawings were received on October 16, 2003. These drawings are acceptable.

Allowable Subject Matter

Claims 12-18, 20, and 21 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose a shelf with a first side and forward and rear tabs extending respective first and second distances from the first side, whereby the first distance is less than the second distance, and a first shelf side support with a laterally projecting ledge for sliding engagement with the shelf, whereby the ledge has a rear portion sufficient for retaining the rear tab, a forward portion with a second width less than the width of the rear portion and providing a clearance for the rear and forward tab, and whereby the clearance has a third width providing a clearance for the forward tab, wherein the side support has a plurality of support members rigidly connecting the first shelf side support to a second shelf side support and configured to contact the forward tab when the shelf is in a first extended position,

Claim Rejections - 35 USC § 102

Claims 1, 3-7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,735,470 to Falk. Falk discloses a plurality of side supports (22) configured to support a shelf whereby each side support comprises a ledge comprising a clearance portion (formed by the upper portion of grooves 44). There is a plurality of support members (36) configured to rigidly connect the side supports and a plurality of gussets (the lower portion of groove 44 that extends inward) extending inwardly from each of the side supports. A gusset tab (45) extends upwardly from each gusset and is configured to contact a portion of the shelf blocking forward movement. The shelf has an integral forward stop tab (51) that extends laterally outward from the shelf and the gussets and gusset tabs are integral. The clearance portion has a width that provides a clearance for the forward tab

Claim Rejections - 35 USC § 103

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Falk in view of Kolbe et al. Falk does not disclose a rear portion with a width greater than a width of the forward portion. Kolbe et al. discloses a system for limiting outward movement of a slide-out shelf. There is a plurality of side supports (23 and 24) with ledges (28 and the portion under it) that have a clearance portion, configured to support the shelf and there are support members (26) configured to rigidly connect the side members. The shelf is configured extends outward in a first direction and retracts inward in a second direction opposite the first direction. The ledge of the shelf appears

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to be wider at the rear portion the front portion (see fig. 2), flaring outward at two locations. Each ledge also has clearance portions (formed throughout the side support under the ledge 28) for supporting the shelf. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized side supports shaped like the supports taught by Kolbe et al., on the invention taught by Falk, for the purpose of providing additional stability in the rear of the support.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-18, 20, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.



Steven M. Marsh

January 23, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER